

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF COLUMBIA GAS OF	)	
KENTUCKY, INC. FOR AN	)	CASE NO.
ADJUSTMENT IN RATES	)	2016-00162

ORDER

On June 10, 2016, Columbia Gas of Kentucky, Inc. (“Columbia”), pursuant to KRS 61.878(1)(c) and 807 KAR 5:001, Section 13, filed a petition (“Petition”) for confidential protection indefinitely of certain information that Columbia is providing in response to Commission Staff’s First Request for Information (“Staff’s First Request”), Item 35, dated May 11, 2016. The information is more particularly described as “all wage, compensation, and employee benefits studies, analyses, and surveys conducted since Columbia’s last rate case or that are currently utilized by Columbia.”<sup>1</sup>

In support of its Petition, Columbia states that KRS 61.878(1)(c) exempts from disclosure certain confidential and proprietary information and that the attachments contained in its response include commercial information that NiSource expended substantial resources to develop, the disclosure of which would “unfairly advantage NiSource’s and Columbia’s competitors.”<sup>2</sup> In addition, Columbia states that “the vendors with which NiSource and Columbia consult to develop the information provided in the attachments expect this information will be kept confidential and not released publicly. If this proprietary information is not protected from public disclosure, such

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<sup>1</sup> June 10, 2016 Petition at 1.

<sup>2</sup> *Id.* at 2.

disclosure will likely impact NiSource and Columbia's ability to retain consultants to perform these services in the future."<sup>3</sup>

Columbia supplied, with its Petition, one copy of the material in paper medium and one copy of the material in electronic format with the same information obscured. No intervening party to the instant case filed a pleading in response to Columbia's Petition.

In support of its Petition, Columbia states that the Commission granted protective treatment of the same information in Columbia's last rate case,<sup>4</sup> and also granted protective treatment in two recent Kentucky-American Water Company rate cases for very similar requests.<sup>5</sup> Columbia requests that this same confidential treatment again be granted in this proceeding in perpetuity, as Columbia "cannot envision a period of time in which it would be appropriate for Columbia's proprietary and confidential commercial information to be disclosed in the public realm."<sup>6</sup>

Having carefully considered the Petition and the material at issue, the Commission finds that the material from Columbia's response to the Staff's First Request, Item 35, submitted with the Petition meets the criteria for confidential treatment and is exempted from public disclosure pursuant to KRS 61.878(1)(c), and 807 KAR 5:001, Section 13. The Commission further finds that the material should not

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<sup>3</sup> *Id.* at 2.

<sup>4</sup> Case No. 2013-00167, *Application of Columbia Gas of Kentucky, Inc. for an Adjustment of Rates for Gas Service* (Ky. PSC Sept. 27, 2013).

<sup>5</sup> June 10, 2016 Petition at 2.

<sup>6</sup> *Id.* at 3.

be placed in the public record or made available for public inspection for an indefinite time, or until further Orders of this Commission.

IT IS THEREFORE ORDERED that:

1. Columbia's motion for confidential protection for certain material contained in its response to Staff's First Request, Item 35 is granted.

2. The material supplied in Columbia's response to Staff's First Request, Item 35, and submitted as an attachment to Columbia's response shall not be placed in the public record or made available for public inspection indefinitely, or until further Orders of this Commission.

3. Use of the materials in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

4. Columbia shall inform the Commission if the materials in question become publicly available or no longer qualify for confidential treatment.

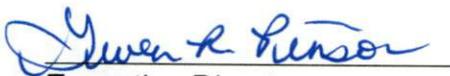
5. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not run, Columbia shall have 20 days from receipt of written notice of the request to demonstrate that the materials still fall within the exclusions from disclosure requirements established in KRS 61.878. If Columbia is unable to make such demonstration, the requested materials shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

6. The Commission shall not make the requested materials available for inspection for 20 days following an Order finding that the materials no longer qualify for confidential treatment in order to allow Columbia to seek a remedy afforded by law.

By the Commission

ENTERED  
JAN 10 2018  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

  
Executive Director

Case No. 2016-00162

\*Angela M Goad  
Assistant Attorney General  
Office of the Attorney General Office of Rate  
700 Capitol Avenue  
Suite 20  
Frankfort, KENTUCKY 40601-8204

\*James F Racher  
Columbia Gas of Kentucky, Inc.  
290 W. Nationwide Blvd.  
Columbus, OHIO 43215

\*Richard S Taylor  
225 Capital Avenue  
Frankfort, KENTUCKY 40601

\*Joesph Clark  
NiSource  
290 W. Nationwide Blvd  
Columbus, OHIO 43215

\*Honorable Iris G Skidmore  
415 W. Main Street  
Suite 2  
Frankfort, KENTUCKY 40601

\*Kent Chandler  
Assistant Attorney General  
Office of the Attorney General Office of Rate  
700 Capitol Avenue  
Suite 20  
Frankfort, KENTUCKY 40601-8204

\*Brooke E Wancheck  
Assistant General Counsel  
Columbia Gas of Kentucky, Inc.  
290 W. Nationwide Blvd.  
Columbus, OHIO 43215

\*Honorable Lindsey W Ingram, III  
Attorney at Law  
STOLL KEENON OGDEN PLLC  
300 West Vine Street  
Suite 2100  
Lexington, KENTUCKY 40507-1801

\*Cheryl A MacDonald  
Columbia Gas of Kentucky, Inc.  
290 W. Nationwide Blvd.  
Columbus, OHIO 43215

\*Columbia Gas of Kentucky, Inc.  
290 W Nationwide Blvd  
Columbus, OH 43215

\*Honorable David J. Barberie  
Managing Attorney  
Lexington-Fayette Urban County Government  
Department Of Law  
200 East Main Street  
Lexington, KENTUCKY 40507

\*Honorable Stephen B Seiple  
Attorney at Law  
Columbia Gas of Kentucky, Inc.  
290 W. Nationwide Blvd.  
Columbus, OHIO 43215

\*Honorable David F Boehm  
Attorney at Law  
Boehm, Kurtz & Lowry  
36 East Seventh Street  
Suite 1510  
Cincinnati, OHIO 45202